



**Board Meeting  
5-11-2020**

**THIS MEETING WAS HELD VIA TELECONFERENCE IN ACCORDANCE WITH  
H.B. 197, 133<sup>rd</sup> G.A. §12 (2020)**

**Attending:**

Jeff Hastings, Chairman  
Robert S. Frost, Member  
David Wondolowski, Member/ via teleconference  
Inajo Davis Chappell, Member/ via teleconference  
Anthony W. Perlatti, Director  
Shantiel Soeder, Deputy Director  
Mark R. Musson, Assistant Prosecutor, Cuyahoga County

Anthony Alto, Clerk to the Board/ via teleconference  
Linda Walker, Clerk to the Board/ via teleconference

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The Cuyahoga County Board of Elections Meeting began at 9:30 am. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all board members were present on the phone call.

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**Agenda Item 1: Approval of the April 7, 2020 Board Meeting Minutes**

The Board voted to approve the April 7, 2020 Board Meeting Minutes.

**Agenda Item 2: Acknowledgement of Secretary of State Directives and Advisories**

The Board voted unanimously to acknowledge Secretary of State Directives 2020-08, 2020-09; and Advisory 2020-07.

**Agenda Item 3: Determination of the validity of provisional ballots and authorization to count provisional ballots from the March 17, 2020 Primary Election**

Registration Assistant Manager Becky Brake stated 6,204 provisional ballots were issued during the 2020 Presidential Primary Election. 4,076 ballots were voted and returned to the

CCBOE. 2,742 confirmed to be valid provisionals. 1,334 were rejected for various deficiencies. She then provided the numbers for each provisional category.

Ms. Brake stated that Directive 2020-09 provided instructions and guidance to determine provisional ballots eligible for opening. The Directive provides that a board may open provisional ballots from voters who voted at a board of elections on April 28<sup>th</sup> only if the voter is disabled; the voter cannot receive mail at their residence; or if a voter requested an absentee ballot but did not receive it in time. The Directive further clarified that this last exception only applied to those voters whose absentee request a board of elections received by noon on April 25<sup>th</sup>.

Director Perlatti stated that before the CCBOE received guidance from Directive 2020-09 they created a document in which a voter would have to acknowledge whether they fell into one of the three above exceptions. Once the CCBOE received Directive 2020-09 this document was set aside and not used during the provisional review process. These documents will be maintained according to the CCBOE's record retention schedule.

Director Perlatti also stated that phone lines were staffed with about 10 times more operators than usual. All absentee applications requested through the phone were processed prior to the deadline.

Deputy Director Soeder stated that historical data will be provided at the May 19<sup>th</sup> board meeting.

Director Perlatti stated that there is one election that is tied, a central committee race in Cleveland, Ward 7, Precinct J. Late absentee and provisional ballots may change this outcome.

The provisional ballots were presented to the Board.

The Board voted unanimously to validate and authorize to count the provisional ballots from the March 17, 2020 Presidential Primary Election as recommended by staff.

#### **Agenda Item 4: Certification of Charter Amendment for the August 4, 2020 Special Election**

The Board voted unanimously to certify the City of Maple Heights charter amendment for the August 4, 2020 Special Election as recommended by staff.

## **Agenda Item 5: Approval of vouchers**

The Board voted unanimously to approve the vouchers as recommended by staff.

### **New Business:**

#### *Election Day Parking Lot Ballot Box Matter*

Chairman Hastings provided a summary of the matter as prepared by Director Perlatti and APA Mark Musson: On April 28<sup>th</sup> CCBOE staff witnessed an individual deposit a large volume of ballots into the parking lot ballot box. Upon inquiry from staff the individual identified herself as Susan Efroymsen, a community organizer from Cleveland Heights. She explained that she volunteered to deliver ballots from her neighborhood so that residents would not have to leave their houses due to COVID-19. This was done with the support of Cleveland Heights Mayor, Jason Stein. She further explained that volunteers assisted in collecting ballots from senior citizens, individuals with underlying health conditions, and other residents who had concerns about driving to the CCBOE. She called Mayor Stein in the presence of CCBOE staff and Mayor Stein confirmed his support for her volunteer efforts. There was no indication of fraud or other inappropriate conduct on behalf of Ms. Efroymsen. CCBOE staff separated the Cleveland Heights and University Heights ballots in question. Chairman Hastings stated that Ohio Revised Code only allows an individual to deliver absentee ballots of family members as defined in the Revised Code. To do otherwise is a felony. The harm the statute seeks to prevent is referred to as ballot harvesting which is the coordinated effort to collect absentee voters' ballots during an election and then deliver the ballots to the board of elections. While some see the practice as a voter service, the statute was designed to prevent a practice that can lead to election fraud.

Ms. Efroymsen was present for the meeting via teleconference. She introduced herself, and was not put under oath.

Board Member Frost thanked her for calling into the meeting and stated that he understands that she was trying to help, however this could potentially be a serious matter.

Board Member Chappell asked how many ballots she deposited. Ms. Efroymsen responded that she was not sure, but possibly somewhere between 125 and 200. CPS Manager Brent Lawler intervened and stated that she could not have delivered more than 106 ballots since

that was the combined number of ballots from Cleveland Heights and University Heights received on that day.

Board Member Wondolowski asked her why the ballots were delivered to her house. She responded that it was to make it easier for residents. He asked if they were all elderly voters, and she responded that she received ballots not just from elderly voters, but from anyone who did not want to risk exposure.

Chairman Hastings asked how residents knew to drop it off at her house. She responded that residents were informed via word of mouth and email. She also indicated that she was not identifying or selecting certain ballots to take; she took every ballot delivered to her house regardless of whose ballot it was. She then explained that there were multiple drop off locations. There were two (2) in Cleveland Heights and two (2) University Heights. She was alone when she delivered the ballots.

Board Member Wondolowski asked CPS Manager Brent Lawler if there was any indication of tampering with ballots or fraud. Mr. Lawler responded that there was no indication of any fraud, irregularities, or suspicious patterns.

Chairman Hastings asked what role the mayor played. She responded that the mayor was copied on all emails. She was asked to assist in dropping off ballots by a group organizing a “Get Out The Vote” campaign.

Board Member Chappell asked if anyone else collected and delivered ballots. She responded that she knows of at least one (1) more person who delivered ballots, Yacob Berger.

Board Member Wondolowski stated that he believes she did not know what she was doing was wrong and she did not have any fraudulent intent.

Chairman Hastings moved to have the ballots counted. Board Member Chappell seconded the motion. The motion passed unanimously.

Ms. Efroymson stated that she acknowledges that she should not have done this. Board Member Chappell thanked Ms. Efroymson for her explanation. She then stated that Mr. Berger and Mayor Stein need to understand this is not allowed. The CCBOE should make it clear that ballots cannot be delivered in this manner. Board Member Wondolowski asked Director Perlatti to send a letter to all three (3) individuals explaining this matter. Board Member Chappell stated that this could raise potential security issues if it happened again, and a letter should be sent to any organizations involved. Chairman Hastings stated that he will work with APA Mark Musson

to draft a letter to send.

Chairman Hastings moved not to refer this matter to the prosecutor's office. He commented his motion was based on the findings of staff's investigation and the Board's investigation and review at today's meeting. Board Member Wondolowski seconded the motion. Board Member Frost stated that the statute does not require a fraudulent intent. The fact that this Board found no fraudulent intent does not necessarily mean that Ms. Efroymsen did not violate the statute. He is voting not to refer the matter because it was clear there was no fraud involved, but that does not exculpate her in regards to the statute. He also pointed out that while the Board may not be referring this matter to the prosecutor's office, this does not preclude the prosecutor's office from investigating this matter if it chooses. The Board voted unanimously not to refer the matter to the prosecutor.

**Public Comment:**

Adele Eisner:

Ms. Eisner spoke about a proper response for this kind of incident.

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Director Perlatti stated that he will provide an election update at the May 19<sup>th</sup> meeting.

Chairwoman Chappell stated that the agency should engage in a "lessons learned" from this election. Deputy Director Soeder responded that after each election every department has an internal lessons learned. Once that is completed the management team has an agency wide lessons learned.

The Board voted unanimously to recess at 10:30 am.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on May 11, 2020.

Jeff Hastings, Chairman

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Inajo Davis Chappell, Member

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Robert S. Frost, Member

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David J. Wondolowski, Member

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Anthony Perlatti, Director

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